

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANDREA ANDERSON,  
Plaintiff,

v.

FEDERAL EXPRESS CORPORATION,  
Defendant.

Case No. 25-cv-03919-JSC

**ORDER GRANTING DEFENDANT'S  
MOTION TO DISMISS**

Re: Dkt. No. 7

Andrea Anderson sued her former employer, Federal Express, in state court, and Federal Express removed the action to federal court on diversity jurisdiction grounds. (Dkt. No. 1.)<sup>1</sup> Now pending before the Court is Defendant's motion to dismiss. (Dkt. No. 7.) After carefully considering the parties' written submissions, the Court concludes oral argument is unnecessary, *see* Civ. L.R. 7-1(b), VACATES the June 26, 2025 hearing, and GRANTS Defendant's motion.

To avoid dismissal under Federal Rule of Civil Procedure 12(b)(6), a complaint must allege "enough facts to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The facial plausibility standard is not a "probability requirement" but mandates "more than a sheer possibility that a defendant has acted unlawfully." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (cleaned up). So, the complaint must contain more than "naked assertion[s]," "labels and conclusions," or "a formulaic recitation of the elements of a cause of action." *Twombly*, 550 U.S. at 555-57. "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Iqbal*, 556 U.S. at 678.

<sup>1</sup> Record citations are to material in the Electronic Case File ("ECF"); pinpoint citations are to the ECF-generated page numbers at the top of the documents.

1 Plaintiff's complaint does not plead factual content "that allows the court to draw the  
2 reasonable inference that the defendant is liable for the misconduct alleged." *Id.* Indeed, it does  
3 not plead *any* factual content; instead, it is replete with mere legal conclusions. The facts Plaintiff  
4 refers to in her opposition are not alleged in her complaint. (*Compare* Dkt. No. 14 at 6; *with* Dkt.  
5 No. 1-1 at 6-16.) So, the motion to dismiss is GRANTED.

6 Leave to amend is GRANTED to the extent Plaintiff has a good faith belief, consistent  
7 with Federal Rules of Civil Procedure 11, to replead a claim alleged in the original complaint.  
8 Plaintiff may not add claims not pled in the original complaint to any amended complaint without  
9 further leave of court. The same is true for adding a named defendant. The amended complaint  
10 shall be filed by **July 14, 2025**. The initial case management conference scheduled for August 7,  
11 2025 is continued to October 15, 2025 at 2:00 p.m. via Zoom video. A joint case management  
12 conference statement is due one week in advance.

13 This Order disposes of Docket No. 7.

14 **IT IS SO ORDERED.**

15 Dated: June 23, 2025

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18 JACQUELINE SCOTT CORLEY  
United States District Judge  
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